



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/258,609	02/26/1999	HIROSHI KOBATA	EPC-009	4096

26171 7590 11/07/2002

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/258,609	KOBATA ET AL.
	Examiner	Art Unit
	Paul H Kang	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

1. In view of the appeal brief filed on August 16, 2002, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

This Application has been reviewed. Original claims 1-32 are pending.

2. In order to avoid abandonment, the drawing informalities noted in Paper No. 7, mailed on December 20, 2002, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-11, 13, 16-17, 19, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobo, II, US Pat. No. 5,675,507 in view of Kumar et al., US Pat. No. 6,240,445 B1.

4. As to claims 1, 13 and 16, Bobo discloses an apparatus for delivering a document to a receiving station over a network, comprising:

a server system connected to the network and storing digital information received over the network (Bobo, abstract, col. 4, lines 54-67); and

the apparatus connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system (Bobo, abstract, col. 4, line 23 – col. 5, line 40).

However, Bobo does not explicitly teach that the sending system transmits both the digital information and a notification to the receiving system. In the same field of endeavor, Kumar teaches a system for transmitting from a sending machine a notification to the recipient as well as the digital information to a storage server (Kumar, col. 7, line 20 – col. 9, line 4; computer 18 (the sending system) transmits a copy of a facsimile to a remote storage archive (see Kumar, col. 8, lines 60-66) as well as transmitting to the recipient a notification of the facsimile document). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of transmitting both a notification and digital information into the system of Bobo for the purpose of enhancing load balancing of storage archives as well as

enhancing data routing efficiency.

5. As to claims 2 and 23, Bobo-Kumar teaches the server system receives the digital information from the sending system (abstract, col. 4, lines 54-67).

6. As to claims 5-7, Bobo-Kumar teaches a storage device in communication with the server and wherein the server system stores the digital information at an address location of the storage device, and wherein the server system includes a page providing a path by which the receiving system can access the digital information at the address location, wherein the notification has a resource locator which addresses the page on the server system (Bobo, abstract, col. 4, lines 54-67 and col. 6, line 66 – col. 8, line 40).

7. As to claims 8 and 27, Bobo-Kumar teaches the page requests valid authentication information from the receiving system before granting access to the digital information (Bobo, fig. 3 and col. 7, lines 25-37).

8. As to claims 9-11, Bobo-Kumar teaches a page which provides access to a graphical window describing contents of the digital information and resource locators reference multiple locations in the storage device to access the data structure using the unique identifiers (Bobo, abstract, col. 4, lines 54-67 and col. 6, line 66 – col. 7, line 50).

9. As to claims 17 and 19, Bobo-Kumar teaches transmitting the digital information from the server system to the receiving system in response to a request from the receiving

system and executing a server-side software through which the receiving system can obtain access to the digital information (Bobo, abstract, col. 7, lines 39-67).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-4, 12, 14-15, 18, 20-22, 24-26, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobo-Kumar, as applied above, in view of Masters, US Pat. No. 5,872,930.

12. As to claim 3-4 , 12, 14-15 and 24-26, Bobo-Kumar teaches the invention substantially as claimed. Bobo-Kumar teaches a message delivery system comprising multiple computers, including senders, receivers and server, communicating over the internet (Bobo, col. 6, lines 20-56). However, Bobo-Kumar does not explicitly teach a second server system in communication with the sending system and the first server system, wherein the first server system receives the digital information from the sending system via the second server system, acting logically as a single server system.

Masters teaches a email server system used to route a message through multiple servers based on server load (Masters, col. 2, line 18 – col. 4, line 35 and fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a second server into the system, as taught by

Masters, into the system of Bobo-Kumar for the purpose of increasing data transmission efficiency by distributing tasks among multiple servers.

13. As to claims 18 and 28-29, Bobo-Kumar-Masters teaches the invention substantially as claimed. However, Bobo-Kumar-Masters does not explicitly teach the step of tracking the digital information in real-time, confirming that the receiving system has completely received the digital information and notifying the sending system when the receiving system starts using the digital information.

Official notice is taken (see MPEP 2144.03) that tracking message transmission was well known in the computer networking art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a method of confirming that a message was completely received into the system of Bobo-Kumar-Masters for the purpose of increasing data transmission reliability.

14. As to claims 20 and 21, Bobo-Kumar-Masters teach the step of maintaining a page on the server system through which the receiving system can obtain access to the digital information and the notification includes the resource locator for accessing the page (Bobo, abstract, col. 4, lines 54-67 and col. 6, line 66 – col. 8, line 40).

15. As to claim 22, Bobo-Kumar-Masters teaches the step of concurrently sending a notification and digital information (Kumar, col. 7, line 20 – col. 9, line 4).

16. As to claims 30 and 31, Bobo-Kumar-Masters teaches the invention substantially as claimed. However Bobo-Kumar-Masters does not explicitly teach the step of canceling delivery after sending the digital information.

Official notice is taken (see MPEP 2144.03) that canceling a message was as well known in the computer networking art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a step to cancel a message anytime after it has been sent into the system of Bobo-Kumar-Masters for the purpose of enhancing the control of the data transmission.

17. As to claim 32, Bobo-Kumar-Masters teaches the invention substantially as claimed. However Bobo-Kumar-Masters does not explicitly teach the step of restarting a connection after an interruption at the point of interruption.

Official notice is taken (see MPEP 2144.03) that restarting a connection at the point of interruption was well known in the networking art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated method to restart a connection at the point of interruption into the system of Bobo-Kumar-Masters for the purpose of increasing system fault tolerance.

18. Claims 1, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., US Pat. No. 5,790,790 in view of Ishibashi et al., EP 0 812 100 A2.

As to claims 1, 13 and 16, Smith discloses an apparatus for delivering a document to a receiving station over a network, comprising (See Smith, col. 2, lines 20-31):

a server system connected to the network and storing digital information received over the network (See Smith, col. 2, lines 20-31 and col. 6, line 40 – col. 7, line 10); and

the apparatus connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system (Smith, col. 2, lines 20-31 and col. 6, line 40 – col. 7, line 10).

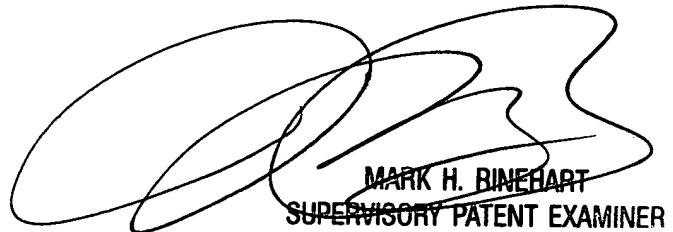
However, Smith does not explicitly teach that the sending system transmits both the digital information and a notification to the receiving system. In the same field of endeavor, Ishibashi teaches a system for transmitting from a sending machine a notification to the recipient as well as the digital information to a storage server (See Ishibashi, Abstract and page 2, lines 40-59 and page 6, lines 6-27 and page 6, line 27 – page 7, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of transmitting both a notification and digital information as taught by Ishibashi into the system of Smith for the purpose of providing an efficient and immediate notification and message transmission system.

19. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection. The Applicants argued in substance that the prior art of record failed to teach the sending system transmitting a notification to the recipient as well as the digital information. The new grounds of rejection teaches this feature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



Paul H Kang
Examiner
Art Unit 2142

November 1, 2002